

MANDATE

S.D.N.Y. - N.Y.C.
07-cv-11250
Wood, C. J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 30th day of June, two thousand eight,

Present:

Hon. Roger J. Miner,
Hon. Joseph M. McLaughlin,
Hon. José A. Cabranes,
Circuit Judges.

John D. Bellanich,

Plaintiff-Appellant,

v.

08-0348-cv

American Legion National Headquarters,

Defendant-Appellee.

Appellant, *pro se*, moves for *in forma pauperis* status in his appeal. Upon due consideration, it is hereby ORDERED *sua sponte* that the appeal is REINSTATED. It is further ORDERED that the motion is DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: *Franki Perry*

SAO-PR

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk

by *Stephanie Perry*
DEPUTY CLERK

-Mandate issued: 7/22/08